

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

YVONNE N. WILSON)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2019-00466
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

ORDER

On October 15, 2019, Ms. Yvonne N. Wilson (Ms. Wilson) tendered a formal complaint (Complaint) with the Commission against Louisville Gas and Electric Company (LG&E) alleging that she was overbilled for electric service in July 2019 based on an estimated meter reading. By Order dated January 7, 2020, the Commission found that it was unable to determine from the information presented by Ms. Wilson whether her Complaint established a prima facie case, but found that further investigation into the merits of the Complaint was warranted. Because Ms. Wilson did not provide a copy of her utility bills for the period in question, the Commission directed LG&E to assist in the investigation by filing with the Commission copies of the bills issued to Ms. Wilson. On January 13, 2020, LG&E filed with the Commission copies of Ms. Wilson's bills from August 2019 through December 2019.

BACKGROUND

Ms. Wilson receives electric and natural gas services from LG&E at her residence in Louisville, Kentucky. The subject of Ms. Wilson's Complaint is the number of kilowatt-hours (kWh) that she was billed for electricity used between June 21, 2019, and July 23, 2019 (August 2019 bill). According to copies of bills provided by LG&E, Ms. Wilson's electric meter was read on June 21, 2019. The actual reading on that day was 2,660 kWh. On July 23, 2019, LG&E estimated a meter reading of 3,225 kWh and created a bill charging Ms. Wilson for 565 kWh of electricity ($3,225 \text{ kWh} - 2,660 \text{ kWh} = 565 \text{ kWh}$). Upon receipt of her August 2019 bill, Ms. Wilson contacted LG&E and reported she had been away from her residence for ten days during the month of July, and that her power had been off for an additional two days during that period. Therefore, according to Ms. Wilson, her actual usage of electricity could not have been as high as the amount of estimated usage for which she was billed, and she requested that LG&E read her electric meter.

According to the Complaint, LG&E read Ms. Wilson's electric meter on August 1, 2019. The meter reading was 3,233 kWh. According to the copy of Ms. Wilson's September 2019 bill filed by LG&E, Ms. Wilson's meter was read again on August 20, 2019. The meter reading on this date was 3,558 kWh. LG&E billed Ms. Wilson for 333 kWh of electricity in September 2019 ($3,558 \text{ kWh} - 3,225 \text{ kWh} = 333 \text{ kWh}$).

Ms. Wilson maintains that she was overbilled in August 2019, and she requests that LG&E deduct \$30.00 from her bill.

DISCUSSION

After reviewing the bills Ms. Wilson received for the period in question, the record in this case indicates Ms. Wilson was charged for the same number of kWh of electricity that she used during the combined billing periods associated with her August 2019 and September 2019 bills, which reflected Ms. Wilson's electric usage between June 21, 2019, and August 20, 2019.

Because the August 2019 bill was based on estimated usage, it is not possible to determine exactly how many kWh of electricity Ms. Wilson actually used during the August 2019 billing period of June 21, 2019, through July 23, 2019. However, it is possible to determine exactly how many kWh of electricity she used during the longer period of June 21, 2019, through August 20, 2019, a period encompassing both the August 2019 and September 2019 billing periods.

Ms. Wilson's meter was read on June 21, 2019. The meter reading was 2,660 kWh. In August 2019, Ms. Wilson was billed for an estimated usage of 565 kWh of electricity used between June 21, 2019, and July 23, 2019. On August 20, 2019, Ms. Wilson's meter was actually read, and the reading was 3,558 kWh. In September 2019, Ms. Wilson was billed for 333 kWh of electricity used between July 24, 2019, and August 20, 2019. Thus, based on the actual meter readings, Ms. Wilson used 898 kWh of electricity from the meter reading on June 21, 2019, until the meter reading on August 20, 2019.

As reflected on the bills filed in the case record, the August 2019 bill was for 565 kWh of electricity used between June 21, 2019, and July 23, 2019, and the September 2019 bill was for 333 kWh of electricity used between July 24, 2019, and August 20, 2019.

As illustrated below, Ms. Wilson was billed for the actual number of kWh of electricity she used during the combined August and September 2019 billing periods for service between June 21, 2019, and August 20, 2019.

June 21, 2019 meter reading:	2,660 kWh
<u>August 20, 2019 meter reading:</u>	<u>3,558 kWh</u>
	898 kWh used from 6/21/19 until 8/20/19
kWh billed on August 2019 bill:	565
<u>kWh billed on September 2019 bill</u>	<u>333</u>
	898 total kWh billed August and September 2019

It is certainly possible Ms. Wilson's actual usage of electricity was less than 565 kWh during the August 2019 billing period, given she was away from her residence for ten days and the power was off for an additional two days. It is also quite possible her actual usage was greater than 333 kWh during the September 2019 billing period. However, it is certain from the actual meter readings performed on June 21, 2019, and August 20, 2019, that Ms. Wilson used 898 kWh of electricity between these two dates. Ms. Wilson was billed for 898 kWh of electricity. When the number of kWh billed in August 2019 (565) is added to the number of kWh billed in September 2019 (333) the sum is 898 kWh.

Commission regulation 807 KAR 5:001, Section 20(1)(c), requires that a formal complaint must state:

Fully, clearly, and with reasonable certainty, the act or omission, of which complaint is made, with a reference, if practicable, to the law, order, or administrative regulation, of which a failure to comply is alleged, and other matters, or facts, if any, as necessary to acquaint the commission fully with the details of the alleged failure.

Further, 807 KAR 5:001, Section 20(4)(a), requires the Commission to determine whether a complaint establishes a prima facie case. A complaint establishes a prima facie case when, on its face, it states sufficient allegations that, if uncontroverted by other evidence, would entitle the complainant to the relief requested. The party filing a complaint has the burden of proving his claim.

Under 807 KAR 5:001, Section 20(4)(1)(a), if a determination is made that the complaint fails to establish a prima facie case, the complainant must be provided opportunity to amend the complaint within a specified time. If the complaint is not amended to set forth a prima facie case, the complaint is dismissed.

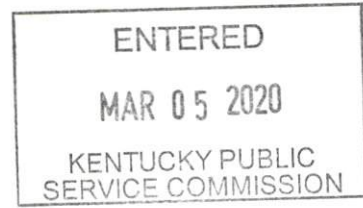
Here, the bills for the period at issue reflect that Ms. Wilson was charged for the actual kWh of electricity that she used over a two-month period. This is because, when one month's bill is based upon estimated use and the following month's bill is based upon an actual use, the following month's bill serves to true-up the actual amount of electricity used over the two-month period. In this case, Ms. Wilson's September 2019 bill trued-up the actual amount of electricity used between June 21, 2019, and August 20, 2019. Because Ms. Wilson did not provide evidence to support her claim that she was overbilled, she failed to establish a prima facie case in her complaint. For the above reasons, the Commission finds that Ms. Wilson's Complaint neither conforms to the requirements of 807 KAR 5:001, Section 20(1), nor establishes a prima facie case. The Commission, in accordance with 807 KAR 5:001, Section 20(4)(a)(1), will provide Ms. Wilson an opportunity to amend her Complaint.

IT IS THEREFORE ORDERED that:

1. Ms. Wilson's Complaint is rejected for failing to conform to the requirements of 807 KAR 5:001, Section 20(1)(c), and for failing to state a prima facie case.
2. Ms. Wilson Shall have 30 days from the date of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001, Section 20(1), and that states a prima facie case.
3. A copy of this Order shall be mailed to Ms. Wilson at her residence via U.S. mail.

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By the Commission



ATTEST:



Executive Director

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